

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

NELLIE F. RICE, :
Plaintiff : **CIVIL ACTION NO. 3:13-2879**
v. : **(MANNION, D.J.)**
(COHN, M.J.)
CAROLYN W. COLVIN, :
Commissioner of Social Security :
Administration, :
Defendant :

MEMORANDUM

Pending before the court is the 39-page report of Magistrate Judge Gerald B. Cohn, which recommends that the instant action be remanded for further proceedings in relation to the plaintiff's claims for disability insurance benefits and supplemental security income under the Social Security Act, [42 U.S.C. §§401-433](#), 1382-1383. (Doc. [19](#)). Specifically, Judge Cohn recommends that on remand the Commissioner of Social Security develops the record fully, conducts a new administrative hearing, and appropriately evaluates the evidence. Both the defendant and the plaintiff have waived their opportunity to object to Judge Cohn's report and recommendation. (Doc. [20](#), Doc. [21](#)).

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

[Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v.](#)

Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed each of the recommended bases for remand of the instant action presented by Judge Cohn. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: March 4, 2015

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2013 MEMORANDA\13-2879-01.wpd